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18 *Attorneys for Defendants PLAYAGS, INC., DAVID LOPEZ,*
19 *KIMO AKIONA, DAVID SAMBUR, DANIEL COHEN,*
20 *ERIC PRESS, YVETTE LANDAU, ADAM CHIBIB, AND*
21 *GEOFF FREEMAN*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE PLAYAGS, INC. SECURITIES
LITIGATION

Case No.: 2:20-cv-01209-JCM-NJK

JOINT STIPULATION AND
ORDER EXTENDING
THE BRIEFING SCHEDULES FOR
AGS AND THE EXECUTIVE
DEFENDANTS' (1) MOTION FOR
JUDGMENT ON THE PLEADINGS
AND (2) MOTION TO TEMPORARILY
STAY DISCOVERY

(First Request)

STIPULATION

Defendants PLAYAGS, INC. (“AGS”), and DAVID LOPEZ and KIMO AKIONA (the “Executive Defendants”), and Court appointed Lead Plaintiff OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM (“Lead Plaintiff,” and together with AGS and the Executive Defendants, the “Parties”) jointly submit this Stipulation and Proposed Order Extending the Briefing Schedules for AGS and the Executive Defendants’ (1) Motion for Judgment on the Pleadings and (2) Motion to Temporarily Stay Discovery, and in support thereof state as follows:

WHEREAS, on March 25, 2021, Lead Plaintiff filed the operative Second Amended Consolidated Class Action Complaint (Dkt. #60; the “SAC”);

WHEREAS, on May 24, 2021, all defendants in the action, including AGS and the Executive Defendants, filed motions to dismiss the SAC (Dkts. #69-72);

WHEREAS, on December 2, 2022, the Court issued an opinion (Dkt. #95; the “Opinion”) granting in part the defendants’ motions to dismiss, denying dismissal with respect to Lead Plaintiff’s scheme liability claim under Section 10(b) and Rule 10b-5 against AGS and the Executive Defendants, and granting Lead Plaintiff leave to amend within 30 days;

WHEREAS, on January 3, 2023, Lead Plaintiff filed a notice of intent not to amend the SAC (Dkt. #96);

WHEREAS, on January 4, 2023, the Honorable Nancy J. Koppe ordered the parties to file a joint discovery plan by January 25, 2023 (Dkt. #97);

WHEREAS, on January 17, 2023, AGS and the Executive Defendants filed their Answer (Dkt. #98), a Motion for Judgment on the Pleadings (Dkt. #99), and a Motion to Temporarily Stay Discovery pending resolution of the Motion for Judgment on the Pleadings (Dkt. #100);

WHEREAS, Lead Plaintiff opposes both Motions;

WHEREAS, the Parties are concurrently filing a joint stipulation and proposed order seeking adjournment of the January 25, 2023 deadline to file a joint discovery plan until after AGS and the Executive Defendants’ Motion to Temporarily Stay Discovery has been resolved; and

1 WHEREAS, the Parties have met and conferred regarding this stipulation, and in the
2 interests of orderly facilitation of this case and the avoidance of unnecessary motion practice:

3 IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the
4 Parties, subject to the Court's approval, as follows:

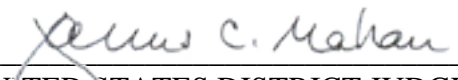
- 5 1. In the interests of providing the Court with fuller argument on the potentially
6 dispositive Motion for Judgment on the Pleadings, and to keep briefing for the related
7 Motion to Temporarily Stay Discovery proceeding in parallel with the Motion for
8 Judgment on the Pleadings, the Parties agree that the following briefing schedule
9 should apply to both Motions;
- 10 2. Lead Plaintiff shall file its Oppositions to the Motion for Judgment on the Pleadings
11 and the Motion to Temporarily Stay Discovery on or before February 17, 2023; and
- 12 3. AGS and the Executive Defendants, together, shall file their Replies in further support
13 of their Motion for Judgment on the Pleadings and their Motion to Temporarily Stay
14 Discovery on or before March 3, 2023.

15 This is the Parties' first stipulated request to extend the briefing schedules for AGS and
16 the Executive Defendants' Motion for Judgment on the Pleadings and their Motion to
17 Temporarily Stay Discovery in the above-referenced action.

18 **ORDER**

19 **IT IS SO ORDERED.**

20 DATED: January 25, 2023

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23 _____
24 UNITED STATES DISTRICT JUDGE
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Dated: January 23, 2023

Respectfully submitted,

/s/ Kirk B. Lenhard

/s/ Don Springmeyer

BROWNSTEIN HYATT FARBER

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CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING THE BRIEFING SCHEDULES FOR AGS AND THE EXECUTIVE DEFENDANTS' (1) MOTION FOR JUDGMENT ON THE PLEADINGS AND (2) MOTION TO TEMPORARILY STAY DISCOVERY (First Request)** was served via electronic service on the 23rd day of January, 2023, to all parties registered on the Court's CM/ECF system.

/s/ Paula Kay

an employee of Brownstein Hyatt Farber
Schreck, LLP